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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,421	06/05/2001	William P. Lord	US010280	5689

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EXAMINER

SHANNON, MICHAEL R

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,421

Applicant(s)

LORD, WILLIAM P.

Examiner

Michael R. Shannon

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pages 10-12, filed July 13, 2005, with respect to the rejection(s) of claim(s) 1-17 under 35 USC 102(e) as being anticipated by Lortz (USPN 6,349,410) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Blacketter et al (USPN 6,772,438), cited by Examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Blacketter et al (USPN 6,772,438), cited by Examiner.

Regarding claim 1, the claimed "method for recording a television program broadcast by a TV broadcaster" is met as follows:

- The claimed step of "receiving a request to record said television program selected by a user" is met by the receiver 200 receiving the broadcast

television signal 206 and storing it on video storage device 204 [col. 4, lines 39-41].

- The claimed step of “establishing a web connection to a web server of said TV broadcaster” is met by the connection from the receiver to the server associated with the broadcast source. The receiver 200 is coupled to the Internet 110 via data link 212 [col. 4, lines 12-16 & col. 4, lines 43-51].
- The claimed step of “downloading the web content responsive to said television program” is met by the downloading of the web page based on the URL received on scan line twenty-one of the television signal [col. 5, lines 50-60].
- The claimed step of “synchronizing and storing said television program selected by said user and said downloaded web content from said web server in a memory” is met by the receiver 200 being coupled to a video storage device 204, which stored the television signals and the other data [col. 4, lines 30-31]. The “trigger” synchronizes the “other data” with the television signal [col. 2, lines 28-39].

Regarding claim 2, the claimed “step of replaying said stored television program and the web content responsive to said television program in a synchronized manner”, is, again, met by the “trigger” present in the video signal that identifies the web page content and displays the content from the local storage device 204 [col. 2, lines 28-39].

Art Unit: 2614

As stated before, the television signals and other data can both be stored on the video storage device [col. 4, lines 30-31].

Regarding claim 3, the claimed “step of retrieving said stored television program and the corresponding said downloaded web content from said memory”, is met by the video storage device 204, which stored both the television signal and the other data [col. 4, lines 30-31]. Also, when a trigger in the television signal is received, the associated web page content is retrieved from the local storage device and displayed on the television screen [col. 2, lines 28-39].

Regarding claim 4, the claimed “storing step further comprises a step of synchronizing said television program selected by said user with the web content of said web server responsive to said television program”, is, again, met by the “trigger”, which displays the associated web page content from the local storage device on the television screen [col. 2, lines 28-39].

Regarding claim 5, the claimed “synchronization is achieved by time stamping said television program selected by said user and the web content that is responsive to said television program” is met by the idea of making a URL valid for a pre-determined amount of time and triggering the URL to display web content based on that valid URL time [col. 7, lines 5-22].

Regarding claim 6, the claimed “television program is received from the group consisting of cable, satellite, and antenna” is met by the television signals being received over cable, satellite, microwave, computer network, terrestrial broadcast, or any other communication medium [col. 4, lines 8-11].

Regarding claim 7, the claimed “TV broadcaster includes a proxy or unaffiliated entity providing an interactive capability between said user and said web server of said TV broadcaster” is met by the bi-directional data communication device for communicating with the Internet via link 212 [col. 4, lines 65-67].

Regarding claim 8, the claimed “method for providing a synchronized replay of a television program and the corresponding web content originated from a TV broadcaster's web server” is met as follows:

- The claimed step of “transmitting a request to record said television program via an input means” is met by the receiver 200 receiving the broadcast television signal 206 and storing it on video storage device 204 [col. 4, lines 39-41].
- The claimed step of “automatically establishing a web connection to said web server of said TV broadcaster” is met by the connection from the receiver to the server associated with the broadcast source. The receiver 200 is coupled to the Internet 110 via data link 212 [col. 4, lines 12-16 & col. 4, lines 43-51].
- The claimed step of “synchronizing and storing said television program and the web content of said web server responsive to said television program in a synchronized manner in a memory” is met by the receiver 200 being coupled to a video storage device 204, which stored the television signals and the other data [col. 4, lines 30-31]. The “trigger” synchronizes the “other data” with the television signal [col. 2, lines 28-39].

- The claimed step of “receiving a request to replay said stored television program via said input means” is met by the ability for the user to play back television programs [col. 4, line 57].
- The claimed step of “replaying said stored television program and simultaneously displaying said stored web content that is responsive to said television program” is met by the ability for the user to play back television programs and network data generated as a video signal for display on the television [col. 4, lines 52-59].

Regarding claim 9, see the above rejection to similar claim 3.

Regarding claim 10, see the above rejection to similar claim 5.

Regarding claim 11, see the above rejection to similar claim 6.

Regarding claim 12, see the above rejection to similar claim 7.

Regarding independent apparatus claim 13, see the above rejection to similar independent method claim 8.

Regarding claim 14, see the above rejection to similar claim 2.

Regarding claim 15, see the above rejection to similar claim 4.

Regarding claim 16, see the above rejection to similar claim 5.

Regarding claim 17, see the above rejection to similar claim 6.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Tomsen et al (US Pub No. 2002/0083464) disclose a system for downloading context sensitive information related to the video program.
 - b. Bendinelli et al (USPN 6,061,719) disclose synchronization between television programming and web content presentation using PIP (Picture-In-Picture).
5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Shannon who can be reached at (571) 272-7356 or Michael.Shannon@uspto.gov. The examiner can normally be reached by phone Monday through Friday 8:00 AM – 5:00PM, with alternate Friday's off.

Art Unit: 2614

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

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Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

Or faxed to: (571) 273-8300

Hand-delivered responses should be brought to:

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Application/Control Number: 09/874,421
Art Unit: 2614


Page 9

Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.

Michael R Shannon
Examiner
Art Unit 2614

Michael R Shannon
October 3, 2005



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600